

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

GERALD FRIGAARD,

No. 03:11-cv-01423-SU

Petitioner,

ORDER

v.

JOE DeCAMP, Superintendent,
Deer Ridge correctional Institution,

Respondent.

Gerald Frigaard, Pro Se
1251 Kings Hwy.
Medford, OR 97501

Attorney for Petitioner

Kristen E. Boyd
State of Oregon
Department of Justice
1162 Court Street, NE
Salem, OR 97301

Attorney for Respondent

1 - ORDER

HERNANDEZ, District Judge:

Magistrate Judge Sullilvan issued a Findings and Recommendation (#33) on September 20, 2012, in which she recommends that the Court should deny the petition for writ of habeas corpus (#2) and dismiss the case with prejudice. Petitioner timely filed objections to the Findings and Recommendation. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation ("F&R"), the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

Petitioner objects to the Findings and Recommendation because the Magistrate Judge did not view the petition "in God's eyes", Petitioner is "being railroaded by you all upstate", and that his "case is good and should be looked at again." Objections to F&R, 1. Petitioner provides no other basis for his objections. I have carefully considered Petitioner's objections and conclude that the objections do not provide a basis to modify the recommendation that the complaint be dismissed with prejudice. I have also reviewed the pertinent portions of the record *de novo* and find no error in the Magistrate Judge's Findings and Recommendation.

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CONCLUSION

The Court adopts Magistrate Judge Sullivan's Findings and Recommendation (#33).

Therefore, the petition for writ of habeas corpus (#2) is denied and this case is dismissed with prejudice. A Certificate of Appealability will not issue because Petitioner has not made a substantial showing of a denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED this 20 day of December, 2012.



MARCO A. HERNANDEZ
United States District Judge